

TONOPAH DAILY BONANZA

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EDITORIAL COMMENT

THE MAN AND THE WOMAN.

The verdict in the Thaw case is perhaps the most satisfactory at which the jury could have arrived. There seemed to be no possibility of convicting the slayer of Stanford White, and it would have been a useless waste of money to go to a third trial. The plea of insanity is of course a sham, but the law is a peculiar proposition in a murder trial. Delmas invoked the unwritten law in defense of his client; and Littleton, profiting by his failure, covered Thaw with the plea of insanity.

Delmas' jury would not stand for the unwritten law, but the second jury were satisfied with the defense of insanity, and turned the slayer loose. There is, perhaps, not a man in the land who will deny that Stanford White received his just deserts. There is no doubt that the ruined Evelyn Nesbit, but she condoned the offense, actuated by the cupidity of her mother, whose love of gold was greater than that of love for her child. She was a bad lot. When the girl had accepted the money of her betrayer, White, according to the ethics of the man of the world, was freed from the responsibility of his crime, for his act was a crime of the worst sort.

When Harry Thaw made the girl his wife, whether or not he did so with the knowledge of her past, his was the right to protect her, and when White sought to win her again from him, he took the chances that all men take when they go into other men's families in the role of destroyer. Thaw was no better than White, but he had the saving grace of appearing in the role of her protector, and a Western jury would have freed him on the unwritten law. Even Jerome changed his tactics at the second trial, and said that he believed the story of the wife in her confession to her husband after marriage. If that story were true, White deserved death at somebody's hands, and if half the stories of the tower were true, it would have been a matter of time only when he would have been killed.

Whether the love of a young woman like Evelyn Thaw will survive, and prove that it was worth the life of even such a man as Stanford White, time alone will show.

THE NEVADA POLICE LAW.

Under the constitution of Nevada, upon the petition of 10 per cent of the voters any act of the Legislature must be submitted to the vote of the people for approval or rejection. It is stated that petitions for submitting the State police law to such a vote have been prepared and will be circulated as soon as the Legislature adjourns. There can be no doubt of the ability of the opponents of the measure to secure the signatures of 10 per cent of the voters to such a petition if they try.

And we hope they will try. There can be no possible objection to a military force of some kind sufficient to maintain public order except a desire to live under the rule of a mob or take the chances of the outcome of fights between two mobs. That will be the object if such a petition is filed, and it is time that the people of the United States know just what kind of people inhabit Nevada. If they are law-abiding citizens the country will be glad to know it. If they are a community of anarchists it cannot be too quickly demonstrated, in order that decent men may abandon their belongings and get out of the State while they can do so with their lives.

Should the people repudiate the police law that will be notice to the world that anarchy prevails. It is possible that that may raise a Federal question. The United States guarantees to each State a "republican form of government." A state of society in which the mob rules a State is neither a republic nor any other form of government. It is anarchy. Should such a situation arise in Nevada it will at once become a pressing question as to the duty of the President and Congress in the premises. We do not know what their duty would be. The framers of the Constitution never contemplated such a condition as may possibly arise in Nevada. But we are pretty sure that anarchy will not be allowed to prevail very long in any part of the United States—particularly in a State in which by far the greater part of the area is the property of the people of the whole country. It is claimed that the advocates of violence, in spite of the twofold noise which the ymake, are an insignificant minority of the working miners. Such a vote as is proposed will show.—San Francisco Chronicle.

Let Rawhide come right along. If the new camp makes good, it means more ore for smelting at McGill and more business for the district, for it is certain that time will bring the ores of Southern Nevada here for reduction. In this connection, it is well to remember in making calculations on the future of the district that it has an immense territory to draw from which is admittedly rich in mineral possessions and which in time will bring about tremendous annual output of gold and silver from this camp through the treatment here of custom ores.—White Pine News.

CHARRED REMAINS OF TWO MINERS

(By Associated Press.)

DRYTOWN, Cal., Feb. 3.—The charred remains of two miners out of eleven entombed on November 30 last, were found last night in the shaft near the mill foot level of the Fremont gold mine shaft.

DEATH OF PIONEER.

(By Associated Press.)

PORTLAND, Ore., Feb. 3.—Colonel B. F. Shaw, a pioneer of the Northwest, commanding the Washington volunteers during the Indian wars, died suddenly today at his home here, from a bursted blood vessel, following a violent attack of coughing.

Five year old claret at \$1.50 per gallon. H. J. Hall & Co.

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CRITICISM OF SENATOR NEWLANDS

The Beatty Booster Club wrote Senator Newlands recently, asking him to favor the establishment of a permanent military post in this State, and recommending Beatty as an excellent location.

Following is the reply, dated at Washington, Jan. 10:

"I am not inclined to think that an army post will be established in Nevada. So far as I am personally concerned, I think that Nevada should keep its own peace, and should pass the necessary laws for that purpose.

"Very sincerely yours,

"FRANCIS G. NEWLANDS."

Newlands in Congress votes big appropriations to maintain army posts in every State between Maine and California, but refuses to help establish one in Nevada, where it is needed most. Perhaps he fears the opposition of demagogues who may go to the Legislature.

Will Senator Newlands please state why Nevada is not as much entitled to a military post as any other State?—Bullfrog Miner.

TRIAL BY JURY

(Tip-of-the-Tongue, in New York Press.)

In our great and glorious country we decide everything by the majority except civil and criminal cases in court and blackballing in clubs. Now, if a mere majority of one electoral vote in a total of 476 is sufficient to elect a president of the United States, it is reasonable that a unanimous verdict of twelve men (not all good and true) should be required to decide as to the guilt or innocence of a prisoner? Suppose the electoral college consisted of 13,000,000 voters, and what we term the "popular vote" was to decide the presidency. All the winning candidate would need would be 6,500,001 votes.

Let me tell you a story of a recent trial. I had it of one of the jurors, a well known and highly esteemed business man. A maid-of-all-work fell into a coal hole which had been carelessly left open in a citizen's front yard. Egged on by an unscrupulous lawyer she sued for \$10,000 damages, alleging serious injuries which threatened to cripple her for life. There was not much trouble in obtaining a jury and the trial did not last forty weeks. Eleven impulsive men agreed that the maid was clearly entitled to \$10,000, and not a man jack of them had the remotest doubt that such a verdict would be the very exaltation of exact justice.

The twelfth juror had not seemed to take an interest in the discussion. He sat in a corner, apparently reading a paper. By and by the eleven turned to him and asked what he had to say: would he agree to the verdict? Laying down his paper, he said: Gentlemen, I have not been reading, but listening. Permit me to say that you are about to commit a most grave blunder. I am a physician. Here is my card. You can easily look up my record. I have heard every word of the testimony and, as a professional man, I know positively, and will stake my reputation on it, that the injuries which this woman alleges she received by slipping into the coal hole could never have been caused by such an accident. If you will bear with me for a little while I will prove to each and all of you that I am right."

This juror had such a way with him, he was so calm, his language and manner were so impressive, that the eleven wanted to learn more. He sent for charts, diagrams, medical works, etc., and in a very short time convinced the eleven that the entire case of the woman was a fake. Instead of rendering a verdict for \$10,000 they made it a matter of a few dollars; and all on the say-so of one man who knew something. The jury has learned since that the injuries to the maid were of the most trivial character. It is my solemn opinion, and I cannot repeat it too often, that there should be special judges for special trials, and special juries, too.

In Scotland the jury consists of fifteen, and they very sensibly abide by the will of the majority. As a veteran Scot but it to me: "The unanimity of twelve men good and true—on any subject is nothing but a chimera. A man coerced—as he very often is—against his will is of the same opinion still. No time is lost in Scotland. In civil cases at least, as a jury can always give a verdict by majority after a lapse of three hours."

The basic principle of the Scotch nature is an innate sense of justice. The jury has the pleasure of giving the prisoner the "benefit of the doubt"—with a verdict of "not proven." This is but right, as it has

been officially shown that hundreds have gone to their death through circumstantial evidence. It turned out later that they were entirely innocent.

"Choosing a jury in Scotland," says our veteran Scot, "is simplicity and celerity personified. I had just attained my majority and was scribbling for a paper, when I received a summons to appear in court to be balloted to serve as a jurymen. All the names of those summoned were written on slips of paper, which were folded up and placed in a hat. One of the court criers stirred them around, then pulled them out, one by one. Curiously enough, the first named called out in stentorian tones was my own! I had at once to step into the jury box—the foreman! Fourteen followed in short order, the whole balloting and choosing occupying not more than two minutes.

"Finer and more sensible chaps than my co-jurymen I never met," continued the veteran. "All solid, substantial business men of spotless reputation. I was simply amazed how clearly they saw things from all points of view. They worked as required—'suaviter in modo, fortiter in re'—perfection, as the verdict proved. The idea of a criminal or his counsel—the latter often a bigger criminal than his client—challenging or trying to bullyrag and bulldoze respectable business men above reproach is not only posthumous, but simply monstrous, and would never be tolerated in any country in the world but America."

MARKET WAS DULL AND HEAVY

(By Associated Press.)

NEW YORK, Feb. 3.—The dull and heavy tone of the stock market today was due largely to suspended interest on the part of speculators and investors alike. Weakness of the early part of the session was clearly due to the activity on the part of the professional element on the short side of the market and this selling was partly covered by repurchases before the end of the session. Beyond this demand from the uncovered short interest, there was little sign of any absorptive power. Bonds were weak.

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HARD TIMES DANCE.

The Cotillion Club, after its successful masquerade on Wednesday night, will not have a dance until Wednesday, February 12. In future, the dances will be on every other Wednesday night. The club, in the near future, will give a Hard Times dance, which for fun and originality will vie with the masquerade.

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W. W. KEITH, Agent.
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Tonopah, Nev., Jan. 25, 1908.
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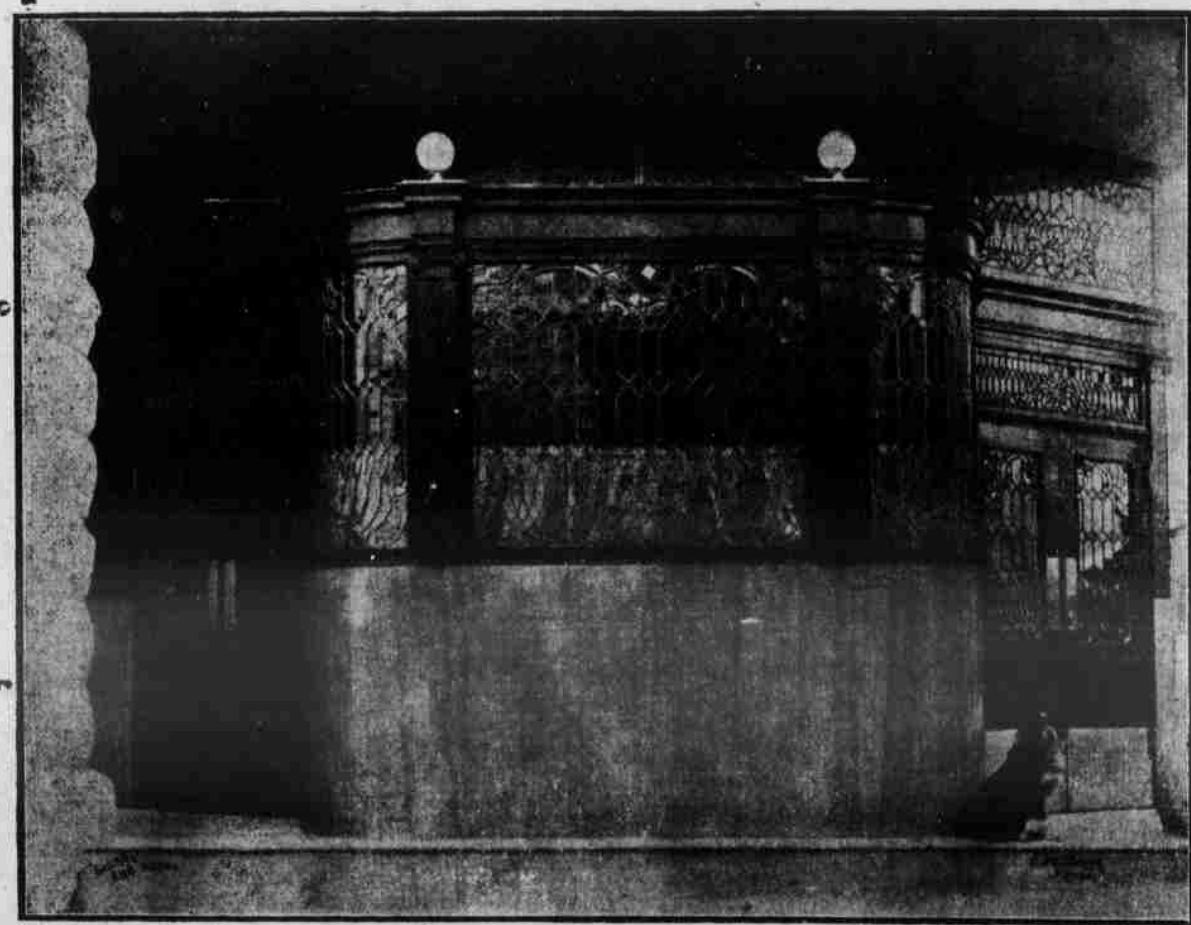
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